

**Bonneville Power Administration
Fish and Wildlife Program FY99 Proposal Form**

Section 1. General administrative information

**Enhanced Harvest & Habitat Law Enforcement
for Anadromous Salmonids & Resident Fish in
the Columbia River Basin**

Bonneville project number, if an ongoing project 9202401

Business name of agency, institution or organization requesting funding

Columbia River Inter-Tribal Fish Commission
Law Enforcement Department

Business acronym (if appropriate) CRITFC/CRITFE

Proposal contact person or principal investigator:

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Subcontractors.

List one subcontractor per row; to add more rows, press Alt-Insert from within this table

Organization	Mailing Address	City, ST Zip	Contact Name
S.P. Cramer & Associates, Inc.	300 S.E. Arrow Creek Lane	Gresham, OR 97080	Steven Vigg

NPPC Program Measure Number(s) which this project addresses.

Law Enforcement -- Section 8.5C.2

NMFS Biological Opinion Number(s) which this project addresses.

The NMFS Biological Opinion (BO) on steelhead impacts for Columbia Basin

fisheries, October 1997 -- January 1998. The NMFS Biological Opinion on subsequent 1998 winter, spring, and summer fisheries is currently being prepared by the U.S. vs Oregon Technical Advisory Committee (TAC) (Joint Col. River Management Staff Report 12/10/97).

Endangered Species Act Section 7(a)(1) -- Specifically lists law enforcement as one of the conservation measures to be used to rebuild threatened or endangered species to achieve de-listing (Section 3(3)).

Other planning document references.

If the project type is "Watershed" (see Section 2), reference any demonstrable support from affected agencies, tribes, local watershed groups, and public and/or private landowners, and cite available documentation.

(1) Wy-Kan-Ush-Mi Wa-Kish-Wit Section 5A-4 -- Law Enforcement: *"Continue coordinated harvest law enforcement; develop habitat protection law enforcement."*

(2) Snake River Draft Final - Recovery Plan Section 8 entitled "Law Enforcement Coordination" which states (in part) under Task B - *Maintain or increase law enforcement presence to achieve high levels of deterrence."*

(3) Needs Assessment of Tribal Law Enforcement (Vigg and Stevens 1996): This research was initiated by the Columbia River Inter-Tribal Fish Commission, Enforcement Department for the purpose determining the status of existing, overall enforcement efforts in the subbasins of the Columbia River and to assess the need for additional "tribal tributary" enforcement and to develop a strategic plan for implementation of enhanced tribal tributary enforcement protection of anadromous and resident fish.

(4) Research Into Action Law Enforcement Evaluation conducted by Jane Peters, Ph.D - Research Into Action; John Pizzimenti, Ph.D. - Harza Northwest; Darryll Olson - The Pacific Northwest Project; Andy Dunau - Dunau Associates; and John Campbell - Campbell-DeLong Resources, Inc. (September 24, 1997).

(5) The Columbia River Fisheries Management Plan (1987): The Treaty Tribes have unequivocal co-management responsibility for anadromous salmonids in the Columbia River Basin through treaties and litigation.

(6) The Snake River Salmon Recovery Team (1994): *The BPA, the fishery agencies and the tribes should continue the Enhanced Fishery Enforcement Program."*

(7) The Memorandum of Agreement relative to BPA Fish and Wildlife Funding (1996): The Treaty Tribes reserved by treaty, executive order or statute to resources affected by the FCRPS.

Subbasin.

Mainstem Columbia River and environs

Short description.

Law enforcement protection of salmon species throughout their life cycle with an emphasis on protection of weak stocks. Protection will be concentrated within the hydro corridor (e.g., between Bonneville and McNary dams).

Section 2. Key words

<input checked="" type="checkbox"/>	Anadromous fish	<input type="checkbox"/>	Construction	<input checked="" type="checkbox"/>	Watershed
<input type="checkbox"/>	Resident fish	<input type="checkbox"/>	O & M	<input type="checkbox"/>	Biodiversity/genetics
<input type="checkbox"/>	Wildlife	<input type="checkbox"/>	Production	<input type="checkbox"/>	Population dynamics
<input type="checkbox"/>	Oceans/estuaries	<input type="checkbox"/>	Research	<input type="checkbox"/>	Ecosystems
<input type="checkbox"/>	Climate	<input type="checkbox"/>	Monitoring/eval.	<input type="checkbox"/>	Flow/survival
<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Resource mgmt	<input type="checkbox"/>	Fish disease
		<input type="checkbox"/>	Planning/admin.	<input type="checkbox"/>	Supplementation
		<input checked="" type="checkbox"/>	Enforcement	<input type="checkbox"/>	Wildlife habitat en-
		<input type="checkbox"/>	Acquisitions	<input type="checkbox"/>	hancement/restoration

Other keywords.

Section 3. Relationships to other Bonneville projects

Project #	Project title/description	Nature of relationship
9202400	Nez Perce Fisheries Enforcement	Coordination of Effort
9202400	Umatilla Fisheries Enforcement	Coordination of Effort
9202400	Other Fisheries Enf. Programs	Coordination of Effort

Section 4. Objectives, tasks and schedules

Objectives and tasks

Obj 1,2,3	Objective	Task a,b,c	Task
1	Enhanced enforcement for protection of anadromous & resident fish throughout the Columbia Basin.	A	Maintain enhanced level of law enforcement officers (1997 level of FTE's) in the field.
		B	Maximize overall fisheries and

			habitat enforcement effectiveness focused within the hydro corridor (Zone 6).
		C	Include additional protection for depleted fish stocks throughout the Columbia Basin in conjunction with tribal policy directives and guidelines.
		D	Continued implementation of " <i>problem oriented policing</i> " by focusing enforcement resources towards specific task orientated special emphasis patrols (both in-season and closed season). Specific plans developed in coordination with tribal fishery management goals, objections and priorities.
		E	Increase overt and covert operations, aircraft surveillance, inter-agency task force operations and public awareness efforts.
		F	Increase enforcement efforts for protection of resident fish in tribal fishing areas and provide task force support in coordination with the four Treaty Tribes.
		G	Increase enforcement efforts for protection of critical habitat of anadromous and resident fish throughout tribal fishing areas and provide task force support in coordination with the four Treaty Tribes.
		H	Provide required basic and advanced training of fisheries enforcement personnel relative to specific tribal and Inter-Tribal enforcement responsibilities. Provide enhanced training in the area of environmental and habitat enforcement protection.
2	Develop and conduct environmental and habitat	A	Initiate specialized training for law enforcement personnel in the area

	enforcement programs and projects in coordination with tribal, state and federal regulatory agencies.		of environmental and habitat enforcement application techniques.
		B	To the extent practicable, coordinate field operations in a specific location with local enforcement agencies, e.g., city police, county sheriffs, and tribal police.
		C	Work within tribal policy guidelines and in coordination with state, tribal and federal agencies in an effort to expand enforcement to include protection of spawning and habitat areas in conjunction with “gravel-to-gravel management” and achieve better coordination with tribal conservation enforcement efforts. Explore the feasibility of a basin-wide habitat enforcement team.
		D	Assist as requested and in conjunction with other agencies in the coordination and integration and expansion of the currently funded Tribal Tributary Enforcement Programs.
3	Optimize voluntary compliance with of laws and rules to protect Columbia Basin fishes and their critical habitats -- via increased public involvement and deterrence of illegal activities.	A	Coordinate with the Public Information Departments of the Columbia River Inter-Tribal Fish Commission and the four Treaty Tribes in an effort to increase public awareness of the effects of illegal take and habitat degradation on anadromous salmonid and resident fish stocks -- with emphasis on the need to conserve depleted naturally spawning stocks. Educate the general public as well as resource user groups as to the critical and important role that protective enforcement plays in comprehensive recovery plans for salmon and resident fish.

		B	Educate the public (both Indian and non-Indian) on the major issues related to restoration of depleted fish stocks in the Columbia Basin -- with a focus on the role of enforcement by providing information in a variety of formats and developing objective news releases to various media.
		C	Continue to upgrade and enhance CRITFE public relations expertise (i.e., training officers to make public presentations, interact with reporters, etc.) in an effort to educate the general public as to the importance of tribal treaty fishing rights and to demonstrate the effectiveness and importance of a professional "preventative" law enforcement program.
		D	Use various media (e.g., officer contacts with user groups, public presentations, brochures, signs, news releases, press conferences, radio, television, newspapers, magazine articles) to inform the harvesters and the general public of the increased Tribal fisheries and habitat law enforcement efforts throughout the Columbia Basin.
		E	Publicize enforcement successes such as increased compliance to tribal fishing regulations and apprehension and conviction of fish and wildlife violators.
4	Continue coordination with CRITFC fisheries management to assure that enforcement efforts are conducive to tribal fish and wildlife protection and enhancement priorities.	A	Coordinate with fish and wildlife biologists, managers, and policy makers within CRITFC and other cognizant tribal representatives -- to identify and prioritize law enforcement activities in the Columbia Basin that will

			complement and maximize the efficiency of tribal mainstem and tributary (i.e., “gravel to gravel”) management goals -- relative to the protection and enhancement of anadromous and resident fish stocks and their critical habitats.
		B	Coordinate with regional fish and wildlife management, planning, and funding entities within Columbia Basin (e.g., PFMC, PSMFC, the Columbia River Compact committees, Recovery Plan Teams, CBFWA, NPPC, and BPA) to identify and prioritize law enforcement activities in the Columbia Basin that will complement and maximize the efficiency of regional management goals -- relative to the protection and enhancement of anadromous and resident fish stocks and their critical habitats.
		C	Develop annual cooperative enforcement plans for the protection and enhancement of Columbia Basin fish stocks and their critical habitats, using the input and review derived from the coordination described in the above tasks.
5	Maximize the accountability of CRITFE enhanced law enforcement for the protection of fish and their critical habitats.	A	Develop performance standards and specific quantitative and qualitative criteria to objectively measure achievement of results.
		B	Collect and summarize law enforcement statistics using a consistent methodology and document the results of the CRITFE enhanced law enforcement program through required quarterly and annual reports.

Objective schedules and costs

Objective #	Start Date mm/yyyy	End Date mm/yyyy	Cost %
1	01/1999	12/1999	40%
2	01/1999	12/1999	15%
3	01/1999	12/1999	25%
4	01/1999	12/1999	10%
5	01/1999	12/1999	10%

Schedule constraints.

Completion date

The CRITFE mainstem program should be maintained until there is a substantial improvement towards rebuilding (to harvestable levels) and salmon and steelhead passing the Treaty Fishing grounds.

Section 5. Budget***FY99 budget by line item***

Item	Note	FY99
Personnel		\$272,356
Fringe benefits		85,792
Supplies, materials, non-expendable property		36,750
Operations & maintenance		196,328
Capital acquisitions or improvements (e.g. land, buildings, major equip.)		29,250
PIT tags	# of tags:	0
Travel		14,900
Indirect costs		233,178
Subcontracts		7500
Other		0
TOTAL		\$876,053

Outyear costs

Outyear costs	FY2000	FY01	FY02	FY03
Total budget	\$919,856	\$965,848	\$1,064,848	\$1,118,090
O&M as % of total	22%	22%	21%	21%

Section 6. Abstract

The goals and objectives of the enhanced CRITFE law enforcement program are to implement an expanded enforcement program to provide additional protection against illegal takes of Columbia River salmon species throughout their life cycle with an emphasis on weak stocks passing through the hydro-power corridor (e.g., between Bonneville and McNary Dams).

The Columbia Basin Fish and Wildlife Program was amended in 1991 to include a measure providing for increased levels of harvest law enforcement. The increased law enforcement measure was included in the "Strategy for Salmon (NPPC 1992): i.e., Measure 5.5C "Law Enforcement and Public Education on Impacts of Illegal or Wasteful Fisheries." This enhanced law enforcement measure is also included in 1994 NPPC amendments as measure 8.5C.

The approach is threefold. First, CRITFE will maintain field levels (1997 level of effort) of harvest and habitat law enforcement protection. Second, CRITFE will enhance the efficiency of this increased enforcement by promoting cooperation and assistance from other regional fisheries enforcement entities. Third, the effort to educate the public on the plight of specific fish stocks and of the importance and effectiveness of enhanced law enforcement protection in stopping violations before they occur (deterrence and voluntary compliance).

Expected outcomes include: (1) Increased passage survival of adult salmonids during their upstream migration through the Columbia River with an emphasis in the hydro-power corridor (Zone 6 -- which is CRITFE's core area of operation); (2) Increased protection of critical habitats of anadromous salmonids; (3) Increased life cycle survival of depleted species of endemic resident fish and protection of their critical habitats throughout the subbasins of the Columbia Basin; (4) Increased public awareness of problems associated with illegal take and habitat degradation, increased public participation in reporting and deterring violations; (5) Increased deterrence for criminals and the general public in violating laws and rules and improved voluntary compliance with state, tribal and federal fish and wildlife protection laws.

Results will be monitored as a result of the ongoing development of performance standards and specific quantitative and qualitative criteria in conjunction with tribal and regional fish and wildlife management processes and objectives.

Section 7. Project description

a. Technical and/or scientific background.

Section 8.5C.2 of the 1994 Fish and Wildlife Program states, "*Develop and implement an expanded enforcement program to provide additional protection to*

Columbia River salmon and steelhead with an emphasis on weak stocks throughout their life cycle. The program should include an educational component for the public. Fund the needed program, and review accomplishments and scope of the program annually with the Council."

A comprehensive approach is needed to rebuild depleted anadromous and resident fish stocks in the Columbia Basin -- taking into account all aspects of their life cycles, and all categories of anthropogenic impacts. Law enforcement, and specifically, Tribal and Inter-Tribal law enforcement, a component of Treaty established fishing rights, is central to effective harvest management and habitat protection for depleted fish stocks. There has been high levels of unexplained losses of adult spawners migrating through the river system -- from the estuary, through the hydro-power system (e.g., Bonneville to Lower Granite dams), to the mainstem and tributary spawning areas. Illegal harvest is one possible contributor to this high loss of spawners in the reservoirs. Since illegal harvest is generally not accounted for in fisheries statistics, it is poorly understood what percent illegal harvest comprises of the total actual harvest of Columbia River salmon. This law enforcement program, through closer surveillance and monitoring of illegal fishing and marketing, will provide better estimates of this presently unaccounted take; the illegal harvest can then be taken into consideration in establishing fishery quotas and restrictions needed to meet stock-specific spawning escapement goals, especially for depleted fish populations.

Unlawful harvest of salmon in the waters of the Columbia Basin has been evident for over a decade. In 1980 and 1981 the Washington Department of Fisheries and the National Marine Fisheries conducted a covert "sting" buy/sell operation involving illegal salmon. At the conclusion of the operation, records seized from one of the major dealers revealed that they had purchased an additional fifty tons of illegal chinook salmon during the same time period. At an average weight of 20 pounds per fish, this equates to about 10,200 illegal salmon removed from the Columbia River reservoirs in two years (Revised Project Description - WDFW # 92-24-3).

In 1982, The Oregon Attorney General's Office obtained a judgement of \$292,000 against an illegal fish buyer, who was primarily handling salmon. It was established at trial that the returns to the Columbia River in 1983 were reduced by 250,000 pounds due to the illegal buying activity. The dealer had moved six tons of illegal salmon from the core area through the Portland International Airport to the East Coast for sale (Revised Project Description - WDFW # 92-24-3).

In 1990, the Washington Department of Fisheries conducted another covert buying operation in the core area and bought 3-1/2 tons of chinook salmon. Records seized in a parallel investigation showed that in three months, two fishers had sold sturgeon roe worth \$80,000. Since sturgeon roe almost always comes from oversize sturgeon, the roe sales together with the chinook sales indicates illegal fishing in the core areas is continuing, and removes a significant amount of chinook and sturgeon

from the Columbia River (Revised Project Description - WDFW # 92-24-3).

With the establishment of the CRITFE in 1982 and in conjunction with addendum funding from BPA commencing in 1992, there has been a significant decrease in the numbers and instances of unlawful poaching/fishing activities. This fact is directly attributable to the efforts of Inter-Tribal Enforcement utilizing both base BIA funding and enhanced BPA funding. For example, intensity of fisheries enforcement effort per unit area during 1995 was much higher in Zone 6 than any other region of the Columbia Basin (Vigg and Stevens 1996). The strong deterrent effect that was observed in 1992-1995 apparently diminished somewhat during 1996, based on decreased cooperative inter-agency task force effort, increased sport arrests, and increases seizures of illegally caught commercial fish. The number of violations reported by the public and calls for service has remained relatively constant over the past five years. Tribal arrests continued to decline during 1995 (28) and 1996 (19), compared to the 1992-94 baseline of about 34 arrests. In comparison, CRITFE officers made 98 sport arrests in 1996, a 300% increase over the 1992-96 average of 30 arrests. The level of CRITFE sport arrests is disproportionately high in 1996, especially considering the relative effort spent on sport fisheries (590 patrol hours; 7.2%) versus Tribal Treaty fisheries (7,623 patrol hours; 92.8%). This statistic however, supports the concept that a focused and visible enforcement effort creates a significant deterrent effect and promotes ongoing voluntary compliance by the harvest group upon which the enforcement efforts are focused.

Inter-Dam Conversion Rates: During the initial three years of the BPA-enhanced LE Program (1992-94), adult salmon passage conversion rates B between Bonneville and Lower Granite dams B showed decreases in overall losses of both spring and fall chinook salmon on a basin-wide basis. This overall trend continues for fall chinook salmon. However, for spring chinook stocks the conversion rates for the years (1995-96) are significantly less than that of 1992-94 -- for all river reaches except Zone 6. It can be hypothesized that CRITFE fishery law enforcement effectiveness as a cause-effect relationship with adult salmon survival (reference next paragraph)..

An independent/scientific performance evaluation of the Columbia River Inter-Tribal Fisheries Enforcement program for the years (1992--1996) demonstrated both the continued need for and effectiveness of enhanced law enforcement to protect the mainstem Columbia River fishery resource. The performance audit, conducted by Steve Vigg of S.P. Cramer and Associates, includes a compilation, summary and analysis of program inputs including program costs, personnel and equipment. It examines outputs such as enforcement effort and fisheries statistics plus performance outcomes involving biological performance measures.

An additional independent/scientific performance evaluation of law enforcement efforts in the Columbia Basin (a study mandated and funded by BPA and conducted

by Jane Peters of Research Into Action) also demonstrates the continued need for and effectiveness of the CRITFE enforcement program....

"Overall, the Enhanced Law Enforcement Program has resulted in more fish saved than would have occurred without the funding. While the total benefit of the enhanced effort is not directly quantifiable, it is clear that a benefit exists, as indicated by the sheer number of illegal nets removed from the river (561 between 1992 and 1996) and illegal fish seized (1,595 between 1992 and 1996). A cost-effectiveness analysis of the Enhanced Law Enforcement Program effort, as compared to other non-law enforcement efforts to save salmon, indicate a comparable, and in some cases, better, return on the expenditure. This comparison shows that law enforcement dollars are as legitimately well spent as many other more costly measures and, while the outcomes are difficult to measure, they are more measurable for law enforcement than for many other efforts."

The two performance research reports on the effectiveness of CRITFE enforcement efforts conducted by S.P. Cramer in coordination with Captain Johnson of CRITFE (1992-1996 Performance Analysis) and (1996 Annual Performance Report) along with the "Research Into Action" evaluation conducted by Jane Peters and the "Tribal Tributary Enforcement Needs Assessment" analysis conducted by Steven Vigg of S.P. Cramer and Associates, Inc. were all submitted to the Independent Scientific Review Group, CBFWA, NPPC and BPA in the fall 1997 for review.

b. Proposal objectives.

CRITFE DEPARTMENT PURPOSE

To protect the Treaty Rights and tribal fishing resources of the four Columbia River Treaty Tribes:

- (1) Serve and protect tribal members in the exercise of their treaty rights and to enforce appropriate laws, as authorized, to assure effective and ongoing protection of treaty rights.**
- (2) Protect tribal resources through efficient and professional enforcement of appropriate federal, state and tribal laws, as authorized in accordance with the law and order codes of the four Columbia River Treaty Tribes regulating treaty fishing in the Columbia Basin; and in accordance with individual tribal, state and federal criminal justice systems, policies and procedures.**

The Columbia River Inter-Tribal Fisheries Enforcement Department utilizes professionally trained law enforcement personnel to fulfill law enforcement responsibilities as delegated by the four Columbia River Treaty Tribes.

The department personnel organizational structure consists of a Department Manager in charge of overall management of the department; a Lieutenant in

charge of operations; a Sergeant in charge of patrol activities and supervision; and a Administrative Supervisor in charge of dispatch/administrative activities and personnel. The Department Manager receives direct supervision from the Executive Director. The department receives guidance and direction at a policy level from the Law Enforcement Policy Oversight Committee (LEC) of the Columbia River Inter-Tribal Fish Commission and the Commission itself.

The Columbia River Inter-Tribal Fisheries Enforcement Department will assist the tribes in maintaining the integrity of treaty reserved rights and in carrying out tribal co-management responsibilities and regulatory authority by providing law enforcement services as an integral and highly visible component of the tribes' treaty rights to self-regulation.

Objective 1. Provide enhanced enforcement of laws and rules for the protection of anadromous and resident fish throughout the Columbia Basin -- with an emphasis on depleted stocks in Zone 6 that are listed and petitioned/proposed for listing under the Endangered Species Act.

Product: Enhanced enforcement effort, personnel, equipment, training, and integrated operational plans resulting in better coordination and effectiveness of the BPA-funded, CRITFE Law Enforcement Program and ultimately increased protection of the fishery resource and treaty fishing rights.

Objective 2. Develop and conduct environmental and habitat enforcement programs and projects in coordination with tribal, state, and federal regulatory agencies.

Product: Expanded habitat and environmental enforcement protection in coordination with the region's fish and wildlife restoration efforts. Improved and expanded law enforcement protection, effectiveness, and accountability throughout the Columbia River Basin.

Objective 3. Optimize voluntary compliance with of laws and rules to protect Columbia Basin fishes and their critical habitats -- via increased public involvement and deterrence of illegal activities.

Product: Increased public awareness of problems associated with illegal take and habitat degradation, increased public participation in reporting and deterring violations, increased deterrence for criminals and the general public in violating laws and rules, and improved voluntary compliance of fish and wildlife laws and rules. These improvements in public support for resource law enforcement efforts will ultimately result in enhanced survival of the depleted fish stocks.

Objective 4. Continue coordination with CRITFC fisheries management to assure that enforcement efforts are conducive to tribal fish and wildlife protection/enhancement priorities.

Product: Increased efficiency and effectiveness of law enforcement efforts with an emphasis on protection and enhancement of depleted Columbia Basin fish stocks and the ecosystems upon which they depend.

Objective 5. Maximize the accountability of CRITFE enhanced law enforcement for the protection of fish and their critical habitats.

Product: A comprehensive assessment of the efficacy of the CRITFE enhanced law enforcement program and adaptive management of the CRITFE law enforcement program.

c. Rationale and significance to Regional Programs.

Relationship to Treaty Rights, US v. Oregon, the Columbia River Fish Management Plan

Authority for Tribal fisheries law enforcement is derived from Treaties with the U.S. Government. It has consistently been held that treaties were grants of rights from tribes to the United States and that anything not expressly granted, was reserved. It is fundamental that a federal treaty guaranteeing certain rights to the subjects of a signatory nation is self-executing and supersedes state law, U.S. v. Washington, and that a state may enact no statute or regulation in conflict with a treaty between the United States and an Indian Tribe. In U.S. v. Oregon, the Court stated:

In 1855, the United States negotiated separate treaties with each of the above named Indian tribes. These treaties were proclaimed and ratified by the United States in 1859. ... Each of these treaties contained a substantially identical provision securing to the tribes “the right of taking fish at all usual and accustomed places in common with citizens of the territory.”

Similarly, in United States v. Washington, where the nature and scope of treaty reserved fishing rights of fourteen Indian Tribes, including Yakama, were at issue, the Court there found that:

“Each treaty in this case contains a provision substantially identical to that in the Medicine Creek treaty: >The right of taking fish, at all usual and accustomed grounds and stations...”

The U.S. v. Oregon litigation was initiated by the United States in 1968 . It established the Tribes’ co-management responsibilities for Columbia Basin fisheries -- as described in the resultant Columbia River Fish Management Plan. The U.S. v. Oregon case began as a means of establishing the nature and extent of treaty

reserved rights of four Indian Tribes to fish in the main stem of the Columbia River for anadromous fish. Celilo Falls was a fishery of major importance for all of the four tribes prior to its inundation by The Dalles Dam in the early 1950's. The treaty right to fish had undergone several challenges by state authorities over the years and there was a continued tribal reliance on the Columbia as a primary source of salmon. Current parties to the case include the Nez Perce, Yakama, Warm Springs and Umatilla Tribes, the United States, the states of Washington, Oregon and Idaho, and the Shoshone-Bannock Tribes.

From the Tribal perspective institutional changes are needed to: *“Modify the existing basin-wide mechanisms of the CRFMP, the Fish and Wildlife Program, and the FERC Orders to more fully implement treaty fishing rights to take fish at usual and accustomed fishing places. Use the Endangered Species Act in a manner that is consistent with implementation of treaty rights to natural resources.”* (The Columbia River Anadromous Fish Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribes 1995). In the Tribal salmon recovery plan, one of the primary institutional recommendations is: *“Continue coordinated harvest law enforcement; develop habitat protection law enforcement.”* Various disciplines of science should be applied to salmon management solutions in a synergistic manner, including -- biological science, political science, and police science (Ted Strong, Personal Correspondence, November 28, 1995).

Relationship to the Northwest Power Planning Council's Fish and Wildlife Program

The ESA listings described below provided an impetus to implement additional measures that could provide immediate protection of depleted salmonid stocks in the Columbia Basin under the auspices of the Northwest Power Act -- one such measure was enhanced law enforcement. The NPPC Program was amended in 1991 to include a measure to provide for increased levels of harvest law enforcement throughout the Columbia River Basin, and to heighten the public's awareness of the importance of protection of various depleted stocks from over-harvest, incidental catches, and illegal harvest in ocean and river mixed-stock fisheries. The increased law enforcement measure was included in the Strategy for Salmon (NPPC 1992): i.e., Measure 5.5C “Law Enforcement and Public Education on Impacts of Illegal or Wasteful Fisheries”. This measure included two parts: (1) Use all available authorities to put a rapid end to all high seas drift-net fisheries; and (2) Develop, implement, and evaluate an expanded enforcement and public education program to provide additional protection to Columbia River salmonids and weak stocks throughout their life cycle. This enhanced law enforcement and public education measure is also included in the proposed 1994 NPPC Program amendments as measure 8.5C.

Relationship to the Endangered Species Act (ESA) and Federal Recovery Plans

The impetus for initiating enhanced law enforcement as funded by the Bonneville Power Administration (BPA), was to provide additional protection for critically

depleted stocks that are listed or proposed for listing under the federal Endangered Species Act of 1973, as amended through the 100th Congress. Under Section 7(a)(1) of the ESA, Federal agencies are mandated "*... to utilize their authorities, in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.*" The ESA specifically lists law enforcement as one of the conservation measures to be used to rebuild threatened or endangered species to achieve de-listing (Section 3(3)).

Numerous Columbia Basin anadromous salmonid stocks and resident fish species are severely depleted and have been petitioned, proposed or listed as threatened or endangered species under the authority of the ESA.

The NMFS Recovery Team conducted a comprehensive evaluation of enhancement measures needed to rebuild and de-list Snake River salmon populations. The recovery Team recommended continuation of a vigorous fishery law enforcement program (Bevan et al. 1994):

Some aspects of the Recovery Plan will require law enforcement. It would not be prudent to expend large sums of money on downstream passage, or to require major changes in how fishing is operated, and then lose a considerable fraction of increased survival because of failure to control such aspects as illegal fishing, unscreened diversions or habitat degradation. ... The BPA, the fishery agencies, and the tribes should continue the Enhanced Fishery Enforcement Program."

Relationship To The Region's Hydro-Power System (Mitigation)

The primary area to which the enhanced tribal law enforcement effort has been directed is the mainstem of the Columbia River, in particular zone 6 which is the area between Bonneville and McNary dams. Zone 6 fisheries are very complex with several different species, e.g., various salmon stocks, steelhead, sturgeon, walleye, and shad, different seasons for each species/stock, and different types of fisheries, e.g., tribal treaty commercial and ceremonial/subsistence fisheries, and sport fisheries. All of the fish in these fisheries are affected by the operation of the hydro-power system. Most of these fish species benefit from specific mitigation measures targeted at them for which the Bonneville Power Administration is financially liable.

For example, BPA's investments in flows, the Corps of Engineer's investment in fish ladders, and U.S. Fish and Wildlife Service's investment in artificial propagation of spring chinook in the Snake River Basin result in financial obligations to the Bonneville Power Administration. CRITFE's enhanced efforts protect the fruits of these investments, Snake River spring chinook in this example, and other stocks benefitted by mitigation measures under the Act.

The hydro-power system has profoundly changed the relationship of tribal people to the Columbia River. But for the existence of the hydro-power system, tribal fisheries would be substantially different in character (e.g. the Celilo Falls fishery would still

exist) and tribal fishery management would be far simpler since salmon would be in much greater abundance. It is proper for the federal government through Bonneville to fund the enhanced law enforcement effort that focuses on the geographic areas impounded by the dams.

In-Lieu Funding

The tribes' fisheries law enforcement efforts have benefitted from BPA funding and the 1996 review demonstrates this fact. BPA funding does not replace BIA enforcement funding, which has stayed constant during the period in which BPA enhanced funding has been available. In the case of the Umatilla and Nez Perce tribes, the BPA funding has allowed for the creation of fisheries enforcement efforts where none previously existed.

The BPA addendum funding allowed CRITFE to increase enforcement personnel by eight (8) positions. These additional enforcement positions allowed us to double our enforcement effort in Zone 6. This has allowed us to initiate a "pro active" law enforcement effort, whereas, prior to BPA funding our efforts were primarily "reactive" and in fact we could not even keep up with our "calls for service" (complaints from the public, primarily our tribal constituency). The funding provided for a very visible law enforcement effort in Zone 6. Further, with the purchase of new equipment, field personnel became much more efficient in preventing and detecting violations, creating a significant "deterrent" effect, resulting in the much improved voluntary compliance rates. Significantly increased compliance rates in the treaty fishery have occurred since the inception of addendum funding.

BPA funding does indeed supplement funding available from the BIA for CRITFE's enforcement effort, but this does not create a problem with the express language of the "in lieu" provisions of section 4(h)(10)(A). The section of the Act requires that "[expenditures of [BPA] pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law." 16 U.S.C. 839b (h)(10)(A)(emphasis added). In fact, the Act expressly contemplates (4(h)(8)(C)) and encourages coordination (4(h)(2)(A) and (11)(B)) with other measures dealing with non-hydro programs. Supplemental funding is not prohibited by the Act as long as the funding is not in lieu of other expenditures authorized or required by law.

The CRITFE, Umatilla and Nez Perce components of the BPA funded law enforcement (as currently funded) represents less than 1% of the BPA's total Fish & Wildlife budget; however, the significance to the Columbia Basin Tribes is much greater. The four Treaty Tribes are in strong agreement that continued BPA funding of Tribal and Inter-Tribal fisheries and habitat enforcement is essential for:

- (1) The protection of the salmon resource and critical habitat; and**
- (2) The exercise of the tribes' treaty rights and co-management responsibilities as affected by the hydro-power system.**

BPA's Role In Support of Tribal and Inter-Tribal Enforcement Protection

BPA has recognized the legal authority of Columbia River Inter-Tribal Enforcement (CRITFE) to enforce fisheries in Zone 6 and the value of individual Tribes' fisheries enforcement relative to "government to government" relations (Letter from D. Robert Lohn, BPA to Ted Strong, CRITFC dated January 11, 1995; refer also the BPA Tribal Policy, April 29, 1996):

"Beginning in 1992 the Bonneville Power Administration (BPA) has funded, on a cost-matching basis, the regional entities with established fisheries law enforcement organizations and primary jurisdictions within the Columbia Basin in order to enhance salmon and other depleted fish populations subject to listing under the Federal Endangered Species Act. Accordingly, BPA has funded the Inter-Tribal Fish Commission's Enforcement department (CRITFE) as the primary enforcement entity for fisheries in "Zone 6" of the Columbia River, i.e., the mainstem reach between Bonneville and McNary dams.

BPA understands that CRITFE came to existence via US v. Oregon and the resultant "Columbia River Management Plan," and that CRITFE derives authority from the four Columbia River Treaty Tribes, i.e., Yakima, Umatilla, Nez Perce, and Warm Springs. The legal basis for the Columbia River Treaty Tribe's fishery enforcement authority is Settler v. Lameer, and the tribes fulfill this responsibility by commissioning CRITFE officers and assigning them contract enforcement responsibilities on the Columbia River by virtue of Public Law 93-638.

We have been pleased with the competence and professionalism of CRITFE. Inter-Tribal officers, by virtue of Oregon law, are required to meet all certification standards, must complete the Oregon Police Academy, and are recognized as certified Oregon Police Officers. CRITFE has attained the cooperation and respect of law enforcement peers throughout the region. CRITFE is active in promoting inter-agency coordination and Captain John Johnson now serves as chairman of the Columbia Basin Law Enforcement Council (CBLEC).

Thus, BPA sees value in CRITFE because of its ability to meet several criteria, i.e., established law enforcement agency with effective management system; statutory authority; officers meet all requisite training standards and certifications; efficiency derived from

cooperation among Treaty Tribes; primary jurisdiction in the mainstem Zone 6 of the Columbia River; effective leadership and coordination with other state and Federal fishery law enforcement agencies through the CBLEC; and a proven track record of resource protection.

We also recognize the practical and symbolic value of fish and wildlife enforcement officers for individual tribes. Such officers are likely to more aware of local problems and sensitive to local culture. In addition, the presence of such officers serves as a visible reminder of the tribe's legal authority as a government with a treaty relationship to the United States.

The primary state or Tribal jurisdiction of different segments of the Columbia and Snake Rivers varies according to the geographic boundaries; however, law enforcement agencies work together throughout the region. Federal agencies have the responsibility to protect listed stocks and enforce violation of the ESA, i.e., NMFS for anadromous salmonids and USFWS for resident fish. The U.S. Coast Guard, in conjunction with NMFS has enforcement jurisdiction over salmon protection in the high seas."

d. Project history

**History/Development -- The Enhanced Columbia Basin Law Enforcement Program
(BPA Project 92-024 (BPA Project 92-024)**

The enhanced law enforcement program was conceived by regional consensus in the 1990-1991 Salmon Summit initiated by Senator Mark Hatfield. The conceptual plan for developing the multi-agency basin-wide enforcement program was a result of meetings between Bonneville Power Administration (BPA) management and the Executive Director of the Columbia River Inter-Tribal Fish Commission, and the fishery agency directors from Oregon, Washington, and Idaho. The original 1992-1994 implementation plan for "Increased Levels of Fishery Harvest Law Enforcement and Public Awareness for Anadromous Salmonids in the Columbia River Basin" (BPA project 92-024) was written by S. Vigg (1991). It was an integration of four individual Statements of Work provided by the law enforcement managers of the participating enforcement entities -- Captain John Johnson (CRITFC), Chief Dayna Matthews (WDFW), Major Roy Hyder (OSP), and Chief Frank NeSmith (IDFG). In August 1993, the National Marine Fisheries Service, Northwest Law Enforcement Division joined the BPA-enhanced law enforcement program to provide coordination for inter-agency task forces -- "Project 92-024, Part 5, An Interagency Agreement with the National Marine Fisheries Service, Office of Law Enforcement to provide: Interagency Task Force Coordination and ESA-related Support for the Columbia River Basin Salmon Enforcement Team" (Vigg 1993). In 1994, the Montana Department of Fish Wildlife & Parks (MFWP*) enforcement division initially received funding from a BPA-funded habitat project.

Subsequently, in 1995 the MFWP resident fish component was incorporated into Project 92-024. A revised Statement of Work entitled “Increased Levels of Harvest & Habitat Law Enforcement and Public Awareness for Anadromous Salmonids and Resident Fish in the Columbia River Basin” was written for FY 1995 funding to incorporate basin-wide habitat enforcement and resident fish enforcement in Montana (Vigg 1994).

BPA-enhanced fishery law enforcement was initially designed as a three-year (1992-1994) demonstration project -- to determine the cost and biological effectiveness of this conservation method. Preliminary analyses and evaluation by the cooperating enforcement agencies, BPA, and the NMFS Snake River Recovery Team (Bevan et al. 1994) indicated that the program was successful in providing additional protection to depleted Columbia Basin fish stocks and their critical habitats during the initial phase of program implementation. The directors of ODFW, CRITFC, IDFG, WDFW, NMFS, and USFWS all recommended continued funding by BPA of the enhanced fisheries law enforcement program for fiscal year (FY) 1995 (Letter dated June 27, 1994 to Randy Hardy, BPA). In June 1995, the results from the 1992-1994 Columbia Basin fisheries & habitat law enforcement demonstration project -- in terms of implementation and potential biological benefits -- were published in a BPA final report (Vigg, editor 1995a).

Beginning in 1995, the Columbia Basin Fish & Wildlife Authority (CBFWA) was delegated the responsibility to recommend priorities for all projects in the NPPC Fish & Wildlife Program for BPA funding. Initially CBFWA zeroed out funding for the enhanced law enforcement, Project 92-024. Subsequently, CBLEC provided informational briefings to agency directors, CBFWA, and the NPPC “Fish-4”. The directors of state, federal, and Inter-Tribal fishery agencies within the Columbia Basin once again documented their unanimous support for the continued BPA funding of the enhanced fishery & habitat law enforcement program for FY 1996 (Letter dated May 1, 1995 to Randy Hardy, BPA). As a result of this policy-level support, funding was re-instituted by CBFWA for Project 92-024.

On July 1, 1995 the OSP Fish and Wildlife Division contracted with S.P. Cramer & Associates, Inc. (Vigg 1995b) to perform technical support services for the Columbia Basin Law Enforcement Council pertaining to a revised statement of work (SOW) for Project 92-024 -- as a “block grant” from BPA to a federal fisheries enforcement agency. This consulting work included the development of two SOW’s with a 5-year planning horizon, and detailed annual budgets: (1) an intergovernmental contract between BPA and the USFWS (Vigg 1995c) and (2) inter-agency agreements between USFWS and five participating enforcement entities, i.e., CRITFC, OSP, WDFW, IDFG, and MFWP (Vigg 1995d). In September 1995, the USFWS, Region 1 Division of Law Enforcement (with approval of Mike Spear, Regional Director) agreed to administer the interagency law enforcement contracts (via the existing Federal Aid Program) beginning in FY 1996, with 100% pass-through of BPA

funding. The intent of this arrangement was to improve the efficiency of the project administration process (i.e., one BPA contract instead of five or more) and provide long-term funding stability for a unified and coordinated fisheries enforcement effort in the Columbia Basin -- facilitated by a federal enforcement agency. During 1996, three Columbia Basin tribes -- the Nez Perce, Umatilla, and Shoshone-Bannock tribes -- developed an integrated statement of work for funding a tribal tributary fisheries & habitat law enforcement component (Vigg 1996). This integrated Tribal component was approved by CBFWA -- for FY 1997 funding.

Monitoring and evaluation (M&E) of project performance was an integral part of the design of the enhanced law enforcement project (Vigg 1991); however, funding for M&E was deferred each year during 1992-1994. In December 1995, CRITFC contracted with S.P. Cramer & Associates, Inc. to conduct a needs assessment for additional tribal tributary fisheries enforcement in the Columbia Basin (Vigg 1995e). In 1996, the four state agencies and CRITFE reverted \$170,000 from their FY1996 budgets for an M&E project procured by BPA and awarded to Research into Action, Jane S. Peters, Principal in September, 1996.

Budget and FTE Levels of the Participating Enforcement Entities, 1992-1997

The average baseline funding level for the three-year demonstration period (1992-1994) was \$4.0 million per year, not including the planned annual budget of \$250,000 for monitoring & evaluation -- M&E (Vigg 1995a; Table 1). Funding levels were arbitrarily reduced in 1995 (\$3.55 M) and 1996 (\$3.32 M) due to BPA budget constraints.

Table 1. Actual annual expenditures of the Law Enforcement Program during the Demonstration Period (calendar years 1992-1994) and the amount obligated for 1995 and 1996.

Component	1992 (including pre-award)	1993	1994	1995 Obligated	1996 Obligated	Five-Year Total
92-024-01 CRITFC	\$1,210,195	\$1,220,466	\$909,422	\$1,093,492	\$904,000	\$5,337,575
92-024-02 OSP	921,589	901,107	783,467	874,789	810,948	\$4,291,900
92-024-03 WDFW	1,273,283	1,238,002	860,864	872,778	750,000	\$4,994,927
92-024-04 IDFG	693,283	842,217	671,340	637,317	627,500	\$3,471,657
92-024-05 NMFS	0	59,451 a.	31,131	7,347b.	0	\$97,929
92-024-06	0	0	25,000 c.	61,757	227,574	\$314,331

MFWP						
FLIR	392,339 d.	0	0	0	0	\$392,339
92-024-07 Evaluation	0	0	0	0	(\$170,000)	(\$170,000)
TOTAL	\$4,490,689	\$4,261,243	\$3,250,093	\$3,578,611	\$3,320,022	\$18,900,658

- a. This amount includes funding for a 3-year building lease (4/4/93 to 4/3/96) with Columbia Business Center and associated utilities funded directly by BPA (\$59,451).
- b. Amount does not include \$31,131 that was carried forward from 1994 to 1995.
- c. Montana LE funding in 1994 was through resident fish project.
- d. . Forward-Looking Infra-Red system (FLIR) funding was provided to WDFW (\$261,559) and to OSP (\$130,780).
- e. Evaluation funding of \$250,000 planned for 1995 was deferred to FY1996 funding.

The corresponding law enforcement personnel in the Columbia Basin increased from 26 FTE in 1991 to 49 in 1992, and to over 57 during 1993-1996 (Table 2).

Table 2. Increased levels of fisheries harvest law enforcement personnel (FTE) in the Columbia and Snake river basins derived from BPA funding, 1992-1996.

Agency	1991 Baseline FTE	BPA Funded FTE for 1992	BPA Funded FTE for 1993	BPA Funded FTE for 1994	BPA Funded FTE for 1995	BPA Funded FTE for 1996
CRITFE	14	5	8	8.5	9.0	8.25
OSP	5	6	7.5	7.5	7.5	6.0
WDFW	5	7	10.5	10.5	10.5	9.5
IDFG	2	5	5.75	7	7.0	5.0
MFWP	B	0	0	0	1.0	3.0
Total	26	23	31.75	33.5	35.0	31.75

1997 data has not been compiled and was therefore not available for inclusion in the above tables.

e. Methods.

The Goal, Scope, and Approach Columbia River Inter-Tribal Enforcement (CRITFE) Program

The primary goal of the enhanced CRITFE law enforcement program is to focus on the protection and enhancement of the depressed Pacific salmon species (*Oncorhynchus spp.*) migrating through the fishing areas of the four Columbia River

Treaty Tribes. An additional benefit is the enhanced protection of other anadromous and resident fish species. Stable BPA funding will enable CRITFE to adaptively manage a fisheries resource protection program within the geographical area of authority as defined by the treaties of the Umatilla, Nez Perce, Yakama and Warm Springs tribes and in accordance with respective tribal policies.

Goal: The goal of this program is to reduce illegal take of Columbia River Basin salmonids and native resident fish, and thereby help to rebuild all endemic fish populations within the basin. Illegal take includes illegal harvest of adults and juveniles, harassment of spawners attending redds, destruction of eggs or fry within redds, direct mortality of juveniles caused by various human activities (e.g., water diversion), and degradation of critical habitat. Specific goals and objectives of the CRITFE Enforcement Program is consistent with protection and enhancement goals of the region's fish and wildlife managers (CBFWA). This Project Description details the specific work to be performed under BPA funding.

Scope: The conceptual scope of the program is the entire life cycle of the target fish species, i.e., "gravel to gravel". The targeted fish stocks are depleted anadromous salmonids and resident fish species -- especially species petitioned or listed under the ESA. It is expected that enhanced protection will also extend to all other endemic fish populations in the Columbia Basin (e.g., steelhead, and white sturgeon); this enhancement "spin-off" is beneficial to the fishery resources of the entire region.

Approach: The approach we are taking is threefold. **First**, to maintain CRITFE's current level of harvest and habitat law enforcement throughout the Columbia Basin (specifically in the Zone 6 area. Current patrol officer staffing levels (as presently funded by BPA) will allow CRITFE to maintain the present high levels of voluntary compliance by tribal fishers. The program as funded and initiated thus far has clearly shown a high degree of success in creating pro-active, high visibility enforcement actions that create a significant deterrence against unlawful fishing activities. **Secondly**, to enhance the efficiency of this increased harvest and habitat enforcement effort by promoting cooperation and assistance from appropriate federal, state, tribal, regional and local entities. **Thirdly**, to educate the public on the plight of specific fish stocks that are in danger of extinction and the need to protect their critical habitats; and make the public aware of the importance to society of conserving the cultural values and diversity of anadromous salmonid species and resident fish for future generations.

f. Facilities and equipment.

Boat storage and maintenance facilities located at 4270 Westcliff Drive - Hood River, Oregon 97031. Boat storage and satellite office facilities located on Tower Road west of Boardman, Oregon X to accommodate east end patrols.

Specialized computer equipment for development of enforcement statistical data bases, electronic exchange and transfer of information with the four Treaty Tribes,

CBFWA, BPA COTR, NPPC staff and other departments within the CRITFC and fisheries management staff of the four Columbia River Treaty Tribes.

g. References.

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Memorandum of Agreement (MOA). 1996. Memorandum of Agreement among the Departments of Army, Commerce, Energy, and Interior concerning The Bonneville Power Administration's financial commitment for Columbia River Basin Fish & Wildlife Costs -- with an Annex on budget management and program accountability.

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Vigg, S. and R. Stevens. 1996. Needs Assessment of Tribal law enforcement in Columbia River tributaries relative to anadromous salmonid mitigation & restoration. Final Report prepared on August 1, 1996 for CRITFC, by S.P. Cramer and Associates, Inc., Gresham, Oregon. 109 pp + Appendices.

Vigg, S. 1997. Columbia River Inter-Tribal Fish Commission, Department of Fisheries Enforcement (CRITFE) Five-Year Performance Report, 1992 - 1996. August 21, 1997. Submitted to the Columbia River Inter-Tribal Fish Commission by S.P. Cramer & Associates, Inc., Gresham, Oregon.

Section 8. Relationships to other projects

The cornerstone of effective law enforcement has been coordination among the various tribal, state and federal entities with fisheries law enforcement jurisdictions within the Columbia River Basin -- in conjunction with BPA. In Zone 6, CRITFE routinely coordinates with other fisheries enforcement agencies but as per the US vs Oregon court mandated "*Fisheries Management Plan*," CRITFE maintains primary jurisdiction for tribal enforcement responsibilities but virtue of a delegation of that governmental enforcement responsibility by the four Treaty Tribes (Umatilla, Nez Perce, Warm Springs and Yakama). CRITFE's has primary enforcement authority regarding all treaty tribal fisheries and shares concurrent jurisdiction on the mainstem Columbia River regarding enforcement of state law. CRITFE officers are also commissioned as Deputy Special Officers with police authority from the Bureau of Indian Affairs -- Law Enforcement Division. Additionally, CRITFE officers are have federal commissions issued by the U.S. Department of Interior, Dept. of Fish and Wildlife for the purpose of enforcing applicable federal laws.

As a department within the Columbia River Inter-Tribal Fish Commission, CRITFE (the Enforcement Department) coordinates fisheries enforcement efforts with all four Commission member tribes for the purpose of implementing an enforcement program focused towards achieving the fisheries management priorities of the four Treaty Tribes. This includes assisting the tribes relative to enforcement issues on the reservations and in the tribal ceded areas as requested or required by the tribes. CRITFE enforcement mission, objectives and tasks are coordinated within the context of "organizational" mission, objectives and tasks which is a direct reflection of the tribes' fisheries management priorities.

Section 9. Key personnel

Name: Captain John B. Johnson (Project Leader)

Title: Law Enforcement Department Manager
Columbia River Inter-Tribal Fish Commission (CRITFC)
Law Enforcement Department (CRITFE)

FTE/Hours: N/A - BPA money will not be used to pay the Project Leader's salary. The CRITFC will incur that expense.

Duties: LAW ENFORCEMENT DEPARTMENT MANAGER

General Statement of Duties: The Law Enforcement Department Manager (LEDM) is the highest level certified law enforcement officer of the Columbia River Inter-Tribal Fisheries Enforcement Department (CRITFE) with the police rank of captain. The LEDM is responsible for the overall administration of the fisheries enforcement department and acts as liaison between the CRITFC (Commission), the Office Of The Executive Director and the Hood River enforcement office.

Supervision Received: Works under the direct supervision of the Executive Director to implement the policies of the Columbia River Inter-Tribal Fish Commission and member tribes.

Supervision Exercised: Directly supervises the activities of the Lieutenant and indirectly supervises the Sergeant and personnel of both the patrol and communications divisions.

Principal Duties and Responsibilities:

1. Serves as the Department Manager for the law enforcement department with the police rank of Captain. Maintains all necessary BPST certification standards associated with that rank.

2. Serves as the principal official and the primary advisory consultant to

CRITFC, the Law Enforcement Committee (LEC), the Law Enforcement Advisory Board (LEAB), the Fish & Wildlife Committees of the CRITFC member tribes and the Executive Director on enforcement related matters.

3. Indirectly supervises assigned personnel engaged in patrol, enforcement, investigative and protective services as related to the treaty fishery.

4. May supervise, conduct or assist in the hiring of new staff, evaluations of personnel performance and training.

5. Attends meetings as necessary to facilitate coordination and communication with other departments both within CRITFC and with outside agencies.

6. Assist in the development and implementation of policies as established by the CRITFC including personnel policies applicable to all CRITFC/CRITFE personnel.

7. Responsible for the development and administration of the budget for the law enforcement department.

8. Responsible for implementation of the law enforcement budget; approves and monitors all expenditures.

9. Approves all personnel actions and salary adjustments for enforcement personnel.

10. Regularly informs the Law Enforcement Committee (LEC), the Law Enforcement Advisory Board, the Commission and the Executive Director of department activities through scheduled reports, attendance of meetings and personal contact with individuals and groups as necessary and/or directed by the Executive Director.

11. Maintain liaison and open lines of communications with other law enforcement agencies, particularly tribal and those having enforcement responsibilities in the Columbia River Basin.

12. Maintain liaison with tribal officials, prosecutors and attorneys.

13. Serve as liaison between the enforcement department and other CRITFC departments.

14. Directly supervises the handling of serious allegations of employee misconduct and is the only enforcement supervisor delegated authority by the Executive Director to invoke termination proceedings as a form of personnel discipline.

15. Initiates operating procedures through application of the department's Operations Manual (OM), written memorandum and verbal directives. Assists the lieutenant in annually reviewing and updating the OM for the purpose of maintaining it as a working, living document.

16. Maintains personnel compliance to established personnel policies through application of CRITFC's Personnel Policies Manual and the Law Enforcement Department's Operations Manual.

17. Prepares required monthly, quarterly and annual reports as required by contract(s), submitting the original to the contractor and copies to the LEC, the Commission and the Executive Director.

18. Conduct annual performance evaluation of the lieutenant.

19. Reviews and approves all outgoing correspondence, including reports, complaint log copies, memos, letters and any other "external" release of information, whether written or verbal.

20. May attend all communications, patrol and department level staff meetings and participate in the preparation of the agenda of said meetings.

21. Responsible for preparing and conducting department staff meetings involving matters of mutual importance to all personnel. This responsibility does not alleviate the Lt. and Sgt. from conducting regular staff meetings.

22. Responsible for the department's public relations program and directly supervises activities of department personnel assigned duties and responsibilities in that area. Works closely with the CRITFC Public Information office in development, implementation and release of public information regarding the activities and responsibilities of the enforcement department.

23. Work closely with the LEC, Commission, tribes and involved CRITFC departments in a technical advisory role towards the refinement and development and implementation of tribal fishing regulations.

24. Reviews and updates personnel job descriptions for every position within the law enforcement department in conjunction with division supervisors, appropriate enforcement staff and subject to review and approval of the Executive Director.

25. Other duties and responsibilities as assigned by the Executive Director, the Commission or the LEC.

Qualifications:

- 1. Have at least five years of criminal justice related experience at the supervisory, command and management level. Possess or obtain Executive Level police certification with the Oregon Board On Public Safety and Training (BPST). Possess or obtain training in law enforcement administration and management and meet all BPST qualifications for this position.**
- 2. Be knowledgeable of Indian tribal laws, customs and traditions in general and most particularly those of the four Columbia River Treaty Tribes and maintain close rapport with all official tribal organizations and tribal leaders.**
- 3. Have a working knowledge of all tribal, state and federal fishing codes, rules and regulations.**
- 4. Be able to prepare and present comprehensive written reports on enforcement goals, objectives and practices to the Executive Director, the Commission, the Law Enforcement Committee or others as directed by the Executive Director.**
- 5. Be able to exercise independent judgement with minimal supervision or direction.**
- 6. Be able to generally perform job responsibilities of either the lieutenant or sergeant (immediate subordinates).**
- 7. Maintain the physical standards required of any subordinate and present a professional image to the public and other law enforcement agencies.**

Revised 1997

Key Qualifications: Approximately 23 years of law enforcement experience work involving multi-jurisdictional authorities and responsibilities (state, tribal and federal enforcement).

Have worked the last 14 years for the member Treaty Tribes (Umatilla, Nez Perce, Yakama and Warm Springs) of the Columbia River Inter-Tribal Fish Commission.

Received "Executive Police Certification" on February 24, 1987. In Oregon there are five possible levels of police certification (1) Basic (2) Intermediate (3) Advanced (4) Management and (5) Executive. Each level requires additional academic education, applied law enforcement experience and Oregon Board on Public Safety

and Standards (Oregon Police Academy) approved training hours. The Executive Certification is the highest level of police certification presently available in the State of Oregon.

Publications/Job Completions: Captain Johnson has managed the BPA funded law enforcement program as the project manager since its inception in the fall of 1991 and initiated development of grant proposals and SOW's for the three "Tribal Tributary" components currently funded un Project # 9202400. Also, refer to letter from Robert Lohn, BPA to Ted Strong, CRITFC dated January 11, 1995. Served as Chairman for the Columbia Basin Law Enforcement Council (CBLEC) for two years (1993-1994) -- the only regional Law Enforcement Administrator elected to serve a two year term in the 18-year history of the CBLEC.

Section 10. Information/technology transfer

Technical information obtained from the project will be distributed electronically and in hard copy report format as follows:

Quarterly and annual reports to BPA

Coordination meetings with regional law enforcement entities

Development of annual work plans in conjunction with the other departments of the CRITFC and under the policy direction of the four Columbia River Treaty Tribes.

News releases in coordination with the CRITFC Public Information Dept. and the Public Information Depts. of the Treaty Tribes. Media outlets will include; newspapers, radio, and television.

Formal presentations at reviews called for by NPPC and CBFWA, and periodic presentations to the CRITFC and individual Fish and Wildlife Policy makers of the Treaty Tribes.